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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2011-1697

15 **JAMES HARLAN BOURQUIN**  
16 **7551 Red Eagle Road**  
17 **Shingletown, CA 96088**  
**Registered Nurse No. 677873**

**A C C U S A T I O N**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing.

24 2. On or about April 17, 2006, the Board of Registered Nursing issued Registered Nurse  
25 License Number 677873 to James Harlan Bourquin (Respondent). The Registered Nurse License  
26 was in full force and effect at all times relevant to the charges brought in this Accusation, and will  
27 expire on August 31, 2011, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 118, subdivision (b) of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct - Out of State Discipline)**  
8 **(Business and Professions Code section 2761(a)(4))**

9 9. Respondent has subjected his registered nurse license to disciplinary action under  
10 Code section 2761, subdivision (a)(4), in that on or about November 17, 2005, in a disciplinary  
11 action before the Oregon State Board of Nursing (Oregon Board), the Oregon Board entered a  
12 Final Order (Order) sanctioning Respondent with a Stipulation for Reprimand. The Order  
13 required Respondent to: write an independent research paper no less than ten (10) pages in length  
14 on the subject of "Impaired Nurses in the Workplace."

15 10. The underlying conduct supporting the Oregon Board's disciplinary action is that  
16 between on or about September 12-13, 2005, while Respondent was employed as a registered  
17 nurse at the Burn Center at Legacy Emmanuel Hospital in Oregon, Respondent engaged in the  
18 following acts and/or omissions.

19 A. On September 12, 2005, between the hours of 8:30 a.m. and 5:15 p.m., Respondent self-  
20 medicated for a sinus headache with six Nyquil caplets, 150 mg of Benadryl po, 1400 mg of  
21 Advil, 1825 mg of Tylenol, 240 mg of Sudafed, 3 mg of Ativan, 1 Ambien tablet, 2 Vicodin  
22 tablets and multiple nasal sprays of Sudafed. That same evening Respondent reported to work at  
23 7:00 p.m. and assumed patient responsibilities. At 9:00 p.m., Respondent ingested 90 mg of  
24 Sudafed, 75 mg of Benadryl, 2 Dayquil tablets, 800 mg of Advil, and inhaled Sudafed nasal  
25 spray.

26 B. On September 13, 2005, at 12:00 a.m., Respondent ingested 6 Tums and 1000 mg of  
27 Tylenol. Respondent entered the supply room and obtained a 25 g butterfly needle and syringe.  
28 Respondent withdrew 50 mg of Benadryl from the Pyxis system and administered the Benadryl to

1 himself intravenously with the butterfly catheter. Respondent fell asleep in the employee lounge  
2 where he was discovered by a staff member who reported the incident to the nursing supervisor.  
3 Respondent was removed from the workplace and taken to the Emergency Department for a urine  
4 drug screen.

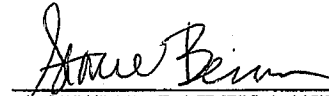
5 C. On September 15, 2005, Respondent self-reported to the Oregon Board that he had  
6 diverted medication and supplies from the Burn Center at Legacy Emanuel Hospital on  
7 September 13, 2005. A substantial amount of parenteral Fentanyl and Versed were removed by  
8 Respondent from the Pyxis system for both of the patients under his care. Respondent only  
9 recorded partial quantities administered and did not document waste of the remaining  
10 opiates/benzodiazepines.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
13 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse Number 677873, issued to James Harlan  
15 Bourquin;
- 16 2. Ordering James Harlan Bourquin to pay the Board of Registered Nursing the  
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
18 Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: February 10, 2011

21 *for*   
22 LOUISE R. BAILEY, M.ED., RN  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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